

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on February 2, 2006, and the references cited therewith.

Claims 1, 5, 6, 7, 8 and 9 are currently amended, claims 2, 3 and 4 are original, and claims 10 and 11 are new; as a result, claims 1-11 are now pending in this application.

Claim Objections

Claims 1, 5 and 7 were objected to because of informalities, specifically the use “VMC”.

The term “VMC” has been removed in each location in the claims and, where appropriate, replaced by the equivalent term “vending machine controller” per the Examiner’s request. It is noted, however, that this change is made even though VMC is commonly used throughout the vending industry and by those skilled in the art as an alternative name for the vending machine controller.

§112 Rejection of the Claims

Claim 1 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Typographical modifications were made to the preamble for clarification.

§102 Rejection of the Claims

Claims 8 and 9 were rejected under 35 USC § 102(e) as being anticipated by Jones et al (U.S. 6,363,164 B1).

The Examiner’s position “that Jones’ ATM can be construed to be a vending machine since ATMs vend bills and coins to customers” is not consistent when viewed from a commercial perspective. Presented herein are multiple reasons why one with ordinary skill in the vending machine art and industry would not construe ATMs to be vending machines any more than a reasonable person would consider a bank to be construed as a store.

First, the primary purpose of vending machines is to provide “products for sale” and not “process documents” and “dispense funds” in the form of bills and coins as stated in Jones. Bills

and coins are legal tender but are not products that can be legally produced by any entity in the U.S. besides the Federal Government. In fact the U. S. Government regulates not only the printing and minting of bills and coins but also their value and the operators of ATMs (financial institutions or banks) under the authority of the United States Department of the Treasury. Whereas US businesses which produce and/or sell for profit commercial products by way of vending machines (in lieu of commercial sales outlets or stores) are regulated under the United States Department of Commerce.

By comparison, the National Automatic Merchandising Association which, on its website (www.vending.org) in a article entitled “Vending 101”, declares itself as “the only national association representing the interests of the vending industry” also declares the following categories of products vended by vending machine and refers to them as the 8 C’s: Coffee, Candy or Confections, Chips, Cold Drinks, Canned Drinks, Cigarettes, Cold Cup, & Commissary. The Jones reference describes the means of handling various forms of “document and currency processing” and providing a system where “deposits and withdrawals” are processed substantially immediately. In the true sense of the word “products” within the industry represented by the National Automatic Merchandising Association, there are no “products” displayed and offered for sale for profit in the systems shown or taught by Jones.

Second, while the devices shown in Jones may be of similar size as a typical product vending machine system of the applicant’s preferred embodiment, the enclosed cabinet space is indicated to be totally dedicated to the processing, storing, transporting and dispensing of documents, bills and coins. The applicant’s vending machine system as shown in figure 1 is representative of typical vending machines where the cabinet space is primarily reserved for the storage and dispensing of various commercial products for sale with a minimal amount of the total space reserved for peripheral devices such as the bill and coin handling assemblies. Jones does not teach or claim such a system primarily dedicated to the display and sale of commercial products where bill and coin acceptor-dispenser system components are peripherally integrated to facilitate the maximization of space in a vending machine dedicated to holding product (as discussed in paragraph 0033 of the applicants specification).

Third, it is understood by those of ordinary skill in the vending industry, that vending machines are typically comprised of a cabinet primarily designed for accepting, securely holding, displaying, and dispensing products of various sizes and/or types and are controlled by a vending machine controller which operates based on a standard vending machine protocol program.

Vending machines typically house other peripheral devices to facilitate the performance of the primary vending functions for such products. Peripheral devices such as a coin acceptor/changer and/or a bill acceptors are normally produced and supplied by other specialized equipment manufacturers and suppliers. In order to maximize the useful life of vending machines the compatibility and interchangeability of such vending machine peripheral devices, with both old and new vending machines is made possible by the vending machine controller's programming being based on said standardized vending machine protocol program. As discussed in the specification (Par. 0006) the most widely used standardized data protocol has been developed and adopted by The National Automatic Merchandising Association, NAMA®, in cooperation with the European Vending Association. A "Multi-Drop Bus/Interface Communication Protocol (MDB/ICP) Standard, Version 3.0 was adopted by NAMA in March 2003.

Jones does not teach or claim a vending machine incorporating a bill acceptor-dispenser that can physically fit into the space reserved for such a peripheral device and electrically communicate with the vending machine controller by means of a standardized vending machine protocol program, to provide one or more of the described enhancements of higher denomination bill acceptance and escrowed bills dispensed as change.

The Examiner notes that Jones discloses an escrow holding area in col. 77, lines 51-54. However, when reading further in col. 77, lines 51-61, Jones describes the following:

“The transport mechanism may also include an escrow holding area where the document being processed in a pending deposit transaction is held until the transaction is complete. Thus, from step 11q, the system proceeds to step 11s, to determine if escrow has been enabled. If escrow has not been enabled, the count of the machine is accepted at step 11u and the total amount B.sub.total is posted to the user at step 11v. If escrow has been enabled, at step 11r, the user is given the choice of accepting the count. If the user decides not to accept the count, at step 11t, the document is returned to the user.”

It is apparent that this “escrow holding area” does not perform the same function in the same manner as the “bill acceptor-dispenser” in the applicant's claims. The applicant's device stores selected notes in a dispensable fashion to be subsequently dispensed as change. Jones' “escrow holding area” as described above is used for temporarily holding the documents of a pending transaction until that transaction is either canceled or completed. There is no teaching to accumulate notes for subsequent use as change-provided by a vending machine.

Claim 9 specifically provides for the display of acceptable note denominations on the "bezel assembly" of the bill acceptor-dispenser. Jones does not teach the features of claim 8 nor does it further teach or show a bezel assembly on which is displayed a visual indication of the denomination of notes that will be accepted by the vending machine to purchase a product offered for sale by the vending machine.

§103 Rejection of the Claims

Claims 1-7 were rejected under 35 USC § 103(a) as being unpatentable over Jones et al (U.S. 6,363,164) in view of Katou et al (U.S. 2004/0182677 A1).

The Examiner has again drawn the unsupportable conclusion that "Katou discloses a vending machine in the form of automated teller machine". Applicant again points to the above presented arguments that would make it non-obvious for one with ordinary skill in the vending machine art to attempt to incorporate the teachings of Katou into the space and operational control of a standard vending machine. Neither Jones nor Katou suggest or teach the limitations of claims 1-7 for providing enhanced note change functions in cooperation with a vending machine and vending machine controller controlling the operation of the vending machine based on a standardized vending machine protocol program.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's agent (702-651-0000) to facilitate prosecution of this application.

Respectfully submitted,

Date

5/1/06

By

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CERTIFICATE UNDER 37 CFR 1.10: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 1st day of May, 2006.
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